

AN ORDINANCE **97658**

CLOSING, VACATING AND ABANDONING AN UNIMPROVED PORTION OF A 20-FOOT WIDE ALLEY LOCATED BETWEEN CLAMP AND OPPENHEIMER AVENUES WITHIN NEW CITY BLOCK 9408, BLOCK 133, ADJACENT TO LOTS 3, 4, 5 AND 6, AS REQUESTED BY THE PETITIONERS, MANUEL AND JULIA MORENO, ET AL., AND ACCEPTING THE CONSIDERATION OF \$1,304.50, WHICH IS EQUAL TO A SEVENTY FIVE PERCENT REDUCTION, IN LIEU OF THE STANDARD TWENTY FIVE PERCENT REDUCTION IN THE AVERAGE APPRAISED VALUES OF LAND IN THE VICINITY OF THIS CLOSURE, AS RECOMMENDED BY CITY STAFF.

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WHEREAS, Manuel and Julia Moreno, Lu Jean Riley, James G. and Joan O. Wetta, Alfred Ramos c/s c/o David W. and Jean Annette Mechler, ("Petitioners"), the abutting owners, have requested that the City of San Antonio close, vacate and abandon an unimproved portion of a 20-foot wide alley located between Clamp and Oppenheimer Avenues within NCB 9408, Block 133, adjacent to Lots 3, 4, 5, and 6 ("Subject Property"); and

WHEREAS, Petitioners have requested closure of the Subject Property in order to incorporate the Subject Property into their properties to remedy existing encroachments over the alley; and

WHEREAS, the Subject Property is surplus to the needs of the City of San Antonio and City staff has recommended that the City close, vacate and abandon the Subject Property for the tender by Petitioners of consideration in the amount of \$1,304.50, which is equal to a 75% reduction, in lieu of the standard 25% reduction, in the average appraised values of land in the vicinity of this closure; and

WHEREAS, staffs recommendation for such 75% reduction is accepted, in light of the alley being a residential alley that is no longer accessible and has not been accessible for a number of years and does not abut any vacant residential lots or any developable commercial property; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and the Petitioners have agreed to the conditions and/or restrictions imposed by the City Departments of Planning, Public Works, Development Services, and Asset Management, and the San Antonio Water System; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of May 14, 2003 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on May 15, 2003, approved the request to close, vacate and abandon the Subject Property; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The unimproved portion of a 20-foot wide alley located between Clamp and Oppenheimer Avenues within NCB 9408, Block 133, adjacent to Lots 3, 4, 5 is hereby declared

surplus to the needs of the City of San Antonio and closed, vacated and abandoned as City of San Antonio public right-of-way, as requested by the Petitioners, Manuel and Julia Moreno, Lu Jean Riley, James G. and Joan O. Wetta, Alfred Ramos c/s c/o David W. and Jean Annette Mechler, the abutting property owners. Such portion is shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. Such closing, vacating and abandoning is contingent on the Petitioners tendering to the City the sum of \$1,304.50, as consideration for the closure, representing a reduction of 75% %, in lieu of the standard 25% reduction, in the average appraised values of land in the vicinity of this closure, in light of the alley being a residential alley that is no longer accessible and has not been accessible for a number of years and does not abut any vacant residential lots or any developable commercial property and is further contingent on the Petitioners' agreeing to the conditions set forth in a Letter Agreement, a copy of which, signed by the Petitioners, is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.

SECTION 3. The City Manager or a designee, is hereby authorized to execute any and all legal documents, deemed necessary by the City Attorney's Office, to facilitate the closing, vacating, and abandoning of this property , as requested by the abutting owners, Manuel and Julia Moreno, Lu Jean Riley, James G. and Joan O. Wetta, Alfred Ramos c/s c/o David W. and Jean Annette Mechler.

SECTION 4. The \$1,304.50 in proceeds to be collected from the Petitioners for the closing, vacating and abandonment of this property shall be deposited in Fund No. 29-0008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

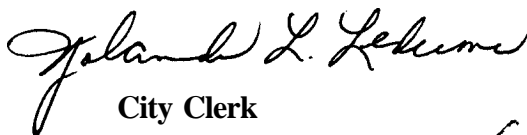
SECTION 6. This ordinance shall be effective on the 1 st day of June, 2003.

PASSED AND APPROVED this 22nd day of May, 2003.



M A Y 0 R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney